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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,377	07/01/2003	Fabrice Vitry	112-03	3701

7590 04/28/2004

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Philadelphia, PA 19103

EXAMINER

GALL, LLOYD A

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/612,377

Applicant(s)

VITRY ET AL.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

The disclosure is objected to because of the following informalities: On page 9, line 2, "114" should be replaced with --104--. On page 9, line 21, "110" should be replaced with --100--.

Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The written description should provide support for the "opposed protuberances" on a side of the lock plug as claimed in claims 6 and 17, as well as the subject matter in claim 12.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (759).

Miller teaches a button pawl shaft for joining two panels 10, 11, including a shaft 18 a precompressed spring 32 mounted in a pocket of one panel bezel 12 as seen in fig. 3, a monolithic shaft 18 having a pawl 21 at each end of the shaft as seen in fig. 1 and each pawl engageable with a keeper 31 as seen in fig. 3, a button 35, wherein the totality of the parts define a latch as set forth in claim 9. With respect to claim 8, the opposed flat surfaces of the pawls 21 as seen in fig. 4 each define a ramp-shaped surface.

Claims 10, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Weinerman et al (467).

Weinerman et al teaches a button pawl shaft capable of joining panels 60, including a shaft center piece 120, a pawl at each end of the shaft center piece including a protuberance 141 of each pawl to be received in a recess of the tubular shaft center piece and a pawl 130, 140 to engage a keeper 700, a button 160, 170 also mounted on the shaft center piece to receive a force from a user, wherein the pawls define a ramp-shaped surface 650 and the totality of the parts define a latch as set forth in claim 19.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Womer.

Womer teaches a torsion spring 60 for a button actuated latch. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a torsion spring for the spring 32 of Miller, in view of the teaching of Womer, since precompressed spring types are well known to be obvious substitutes for one another in the latch art.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Womer.

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Womer also teaches a lock plug 90 including opposed protuberances 94, 96 to engage ribs (the edges of the openings 100, 102) to allow or prevent a button 74 from actuating a shaft 46 mounted latch 44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a key-actuated protuberance/rib lock with the push button of Miller, in view of the teaching of Womer, the motivation being to restrict actuation of the latch to only those who are authorized with a proper key.

Claims 10, 14, 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Weinerman et al.

Both of the Miller and Weinerman references have been discussed above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the shaft/pawls of Miller to include a recessed center shaft piece which receives a pawl therein at the ends of the center shaft piece, in view of the teaching of Weinerman et al, the motivation being to allow the individual parts to be separately produced and assembled when desired, and to allow the parts to be compactly stored when not in use.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Miller reference as applied to claim 10 above, and further in view of Dickinson et al.

Dickinson et al teaches a snap connection 56, 104 between a bezel 100 and a shaft 56. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the shaft 18 of Miller such that it is snap connected in the recess 17, in

view of the teaching of Dickinson et al, the motivation being to provide a secure connection for the shaft in the bezel.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Miller reference as applied to claim 11 above, and further in view of Fountaine. Fountaine teaches a shaft 17' in fig. 7 which includes an axis having a flat (which abuts stops 31 or 32) to define a dent position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a flat detent for the shaft of the modified Miller reference, in view of the teaching of Fountaine, the motivation being to establish the limits of shaft rotation, to prevent over-rotation thereof.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Miller reference as applied to claim 10 above, and further in view of Dickinson et al and an additional teaching of Weinerman et al.

Dickinson teaches a shaft snap connected at 56, 104 as set forth above. Weinerman teaches a (at least) two part bezel 510, 522, 340 for a shaft 120. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the shaft/bezel connection of Miller to include a snap connection of the two part type, in view of the respective teachings of Dickinson et al and Weinerman et al, the motivation being to provide a secure rotatable connection for the shaft of Miller.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Miller reference as applied to claim 14 above, and further in view of Womer. Womer teaches a torsion spring 60. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a torsion spring for the spring

32 of Miller, in view of the teaching of Womer, since precompressed spring types are well known to be obvious substitutes for one another in the latch art.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Miller reference as applied to claim 11 above, and further in view of Womer. Womer teaches a lock plug 90 with opposed protuberances 94, 96 to engage ribs (the edges of openings 100, 102) to allow or prevent a button 74 from actuating a shaft 46 mounted latch 44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a key-actuated protuberance/rib lock with the push button of Miller, in view of the teaching of Womer, the motivation being to restrict actuation of the push button to only those who are authorized with a key.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

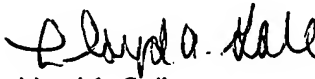
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG  
April 23, 2004

  
Lloyd A. Gall  
Primary Examiner